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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/594,287

05/27/2008

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EXAMINER

DOWLING, WILLIAM C

ART UNIT

PAPER NUMBER

2878

MAIL DATE

DELIVERY MODE

02/16/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/594,287	Applicant(s) BAUER ET AL.	
	Examiner William C. Dowling	Art Unit 2878	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-29 and 31-40 is/are rejected.
- 7) ☒ Claim(s) 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>92506/22707</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 31-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 31-33, 38 are indefinite because it can not be determined to what the range is being "reset". Is this simply intended to mean that the range is "changed".

Claims 31, 35 have no antecedent for "the stops".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 21-27, 29, 41-42 rejected under 35 U.S.C. 102(b) as being anticipated by Gero (2004/0046938).

Gero (2004/0046938) An apparatus for adjusting the picture definition on a camera lens of a motion picture camera (10) using a drive unit (98) connected to the camera lens (12) with an operating unit (21), which operating_unit_has a picture definition handwheel (27), which outputs control signals (paragraph [0036]) for manually adjusting, readjusting or delimiting adjustment range of a picture definition to

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the drive unit, and a scale dial (21) for displaying an adjusted picture definition and/or the delimited_adjustment range of the picture definition,

with an auto-focusing device for measuring the distance from an object to be recorded by the motion picture camera and outputting control signals to the drive unit for controlling the picture definition as a function of the measured distance from the object to be recorded (paragraphs [0026] [0037]), and

with an electromechanical actuator (97, 98) of the operating unit for adjusting or readjusting the picture definition adjusted on the picture definition handwheel or displayed on the scale dial as a function of the control signals output by the auto-focusing device.

Re Claim 26, the electromechanical actuator adjusts the picture definition in relation to a reference position on the picture definition handwheel or displays it on the scale dial.

Re claim 27 the drive unit can be driven using an electric line connection or a radio connection by the operating unit in a manual focusing operation and by the auto-focusing_device in an automatic focusing operation, which auto-focusing device, in the automatic focusing operation, output control signals both to the drive unit and the operating unit using electric line connections or a radio connection (paragraph [0036]).

Re Claim 29 wherein the scale dial comprises a scale dial (25, 26) which can be written on (as best as this is understood), whose position in relation to a reference position can be varied as a function of the control signals output by the auto- focusing

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device

Method Claims 21-24 are met by the apparatus as described above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gero (2004/0046938) in view of Preston (5,092,670).

Gero discloses the invention substantially as claimed but does not specify an absolute encoder as the handwheel.

Preston teaches a manual focusing handwheel (38) provided with an absolute encoder (40).

It would have been obvious to one skilled in the art to modify the device of Gero by the use of any other known type of manual focusing "handwheel" means because such other structures would also allow for manual focus control.

6. Claims 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gero in view of Shimizu et al. (4,371,240).

Gero discloses the invention substantially as claimed but does not specify details of the changeover structure from auto to manual focus.

Shimizu teaches an electromechanical actuator including gear (8) and clutch (7d) and motor (9) means which can be “reset” (as best as this is understood) based on a changeover from AF switch to manual focus.

It would have been obvious to one skilled in the art that Gero could have been modified for use with other known types mechanisms for movement of the lens in auto and manual focus modes, such as the system taught by Shimizu.

Allowable Subject Matter

7. Claim 30 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 31, 35-40 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Dowling whose telephone number is 571-272-2116. The examiner can normally be reached on MON-THURS.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William C. Dowling/
Primary Examiner, Art Unit 2878

wcd